

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Toriano A Johnson v Dept of Corrections**  
Docket No. **295742**  
L.C. No. **09-000495-AH**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.201(B)(3), orders:

The delayed application for leave to appeal is DISMISSED for failure to pursue the case in conformity with the rules. MCR 7.201(B)(3) and 7.216(A)(10). The Clerk of this Court provided notice regarding the nature of the defects in this filing, and the defects were not corrected in a timely manner by providing this Court with the entry fee of \$375 or five copies of a motion to waive fees, an affidavit of indigency, and a prisoner account statement for the prior 12 months; five copies of a statement of facts explaining the delay in filing the appeal and proof of service; five copies of the circuit court register of actions; proof of service of the conforming application; five copies of the order appellant is seeking to appeal; and five copies of an application conforming to MCR 7.212(C). Dismissal is without prejudice to whatever other relief may be available consistent with the Court Rules.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**FEB 23 2010**

Date

*Sandra Schultz Mengel*  
Chief Clerk